IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NOS: 8899 of 2002 AND 8911 OF 2002.

W.P.No.8899 of 2002

Between:

A.Kanta Rao, son of A.Ramaiah

Aged 36 yrs, Occ:Fair price shop dealer,

F.P.Shop No.129, r/o H.No.6/51,Kallur village,

Kurnool urban mandal, Kurnool dt.

..... PETITIONER

AND

1.The Joint Collelctor, Kurnool.

2.The Revenue Divisional Officer, Kurnool

3.The Assistant Supply Officer, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd respondent passed in his Rc.B.690/2002 dated 2-5-2002 as illegal, void, and ultravires of the provisions of A.P. Scheduled Commodities (Regulation of Distribution by Card system) Order, 1973 and consequently direct the respondents to restore the authorization of the Fair Price Shop No.129 of the petitioner situated at Kallur village, Kurnool urban mandal,

Kurnool district.

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

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W. P NO : 8911 of 2002

Between:

G.Narayana Goud, son of Buddanna Goud

Aged 65 yrs, Dealer of Fair Price Shop No.95,

R/o H.No.69-513, Joharapuram village of

Kurnool Urban mandal, Kurnol dist.

..... PETITIONER

AND

1.The Joint Collelctor, Kurnool.

2.The Revenue Divisional Officer, Kurnool

3.The Assistant Supply Officer, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the proceedings of the 2nd respondent passed in his Rc.B.690/2002 dated 2-5-2002 as illegal, void, and ultravires of the provisions of A.P. Scheduled Commodities (Regulation of Distribution by Card system) Order, 1973 and consequently direct the respondents to restore the authorization of the Fair Price Shop No.95 of the petitioner situated at Joharapuram village, Kurnool urban mandal ,Kurnool district.

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

COMMON ORDER

Heard both sides.

Since common question is involved, these two Writ Petitions are taken together for disposal.

The petitioner herein seeks to assail the impugned orders passed by the 2nd respondent herein cancelling the fair price authorization. The main ground urged in this Writ Petition is that the impugned orders are passed without any notice. In fact this Court has granted interim orders suspending the said orders, in W.P.M.P.Nos. 11041 of 2002 and 11053 of 2002 respectively, both dated 7-5-2002 on the ground that the impugned orders do not disclose issuance of any notice before canceling the fair price shop authorization.

No counter affidavit is filed on behalf of the respondents.

Having heard the counsel and perusal of material, it is to be seen that as

already observed by this Court at interlocutory stage, there being no such notice prior to passing of cancellation orders, the impugned orders are violative of the principles of natural justice. It is now well established that no orders can be passed without providing an opportunity.

In view of the same, the Writ Petitions are allowed and the impugned orders are set aside. It shall, however, be open for the respondents to issue notice and opportunity and pass fresh orders in accordance with law.

19-11-2004.

HSD
That Rule Nisi has been made absolute as above.

Witness Hon'ble Sri Devinder Gupta, the Chief Justice on this the Friday the Nineteenth day of November Two thousand and four.

Assistant Registrar

True copy

Section Officer

To

1. **The Joint Collector, Kurnool**
2. **The Revenue Divisional Officer, Kurnool**
3. **The Assistant Supply Officer, Kurnool.**
4. **Two CCs to the G.P. for Civil Supplies, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)**

5. Two CD copies.